

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

BRYAN ANGER	X	
MARIE ANGER,	:	
	:	Docket No. CA 13-480M
	:	
Plaintiffs,	:	
	:	
-vs.-	:	
	:	
MORTGAGE ELECTRONIC	:	
REGISTRATION SYSTEMS, INC., ALIAS,	:	
GOVERNMENT NATIONAL MORTGAGE	:	
ASSOCIATION, ALIAS, CITIMORTGAGE	:	
INC., ALIAS AND JOHN DOE, ALIAS	:	
	:	
Defendants.	:	
	X	

**NOTICE OF DISMISSAL WITH PREJUDICE AND STIPULATION AS TO  
USE AND OCCUPANCY AND ORDER OF EVICTION**

The Plaintiffs, Bryan Anger and Marie Anger (“Plaintiffs”) hereby voluntarily dismiss the above-captioned lawsuit as against Defendants CitiMortgage, Inc. (“CMI”), and Mortgage Electronic Registration Systems, Inc., MERSCorp Holdings, Inc., and any other alias thereof (“MERS”) (CMI and MERS, collectively, “Defendants”), in its entirety, with prejudice, all parties to bear their own costs, with no right of appeal.

Each of the Plaintiffs hereby agree not to contest any foreclosure of the property underlying this lawsuit for any reason, and hereby consent to a Judgment validating the foreclosure if any such challenge shall be brought in the future.

Defendants hereby waive all of their rights, if any, to any monies currently held by the Special Master for use and occupancy; such monies shall be returned to the Plaintiffs.

The undersigned parties warrant and represent, as to themselves, that each has paid all retainer fees billed to that party and/or will pay all retainer fees recently invoiced but are not yet

due by the due date and waive the return of any retainer fee monies paid to the Special Master as a result of these proceedings.

### **ADDITIONAL REQUIREMENTS OF PLAINTIFFS**

Plaintiffs and Defendants further stipulate and agree that, when this Stipulation is entered as an Order of this Court, such Order shall require the Plaintiffs to do the following:

- (1) Plaintiffs and all other occupants of the property at 651 Danielson Pike, Scituate, Rhode Island (the "Property") shall surrender possession of the Property to the Defendant no later than May 15, 2014, 11:59 P.M.;
- (2) Plaintiffs shall do no damage and commit no waste as to the Property at any time; and
- (3) Upon Plaintiffs' surrender of possession of the Property, Plaintiffs shall make such surrender free of all occupants, tenants, personal property, garbage, debris, and any other personal possessions of any kind.

### **ORDER OF EVICTION**

Plaintiffs agree and understand that failure to comply, or to cause compliance, with any of obligations (1), (2), or (3) set forth above shall be a violation of an Order of this Court.

Furthermore, this Court hereby AUTHORIZES and ORDERS law enforcement or any other authorized officer or person, upon the request of Defendants' counsel and without any notice to Plaintiffs or any other occupant of the Property whatsoever, to remove and escort Plaintiffs and all other occupants from the Property, by all means necessary, should Plaintiffs fail to surrender possession thereof on or before 12:01 a.m. on May 16, 2014.

BRYAN ANGER,  
MARIE ANGER

By their attorneys,

/s/ John B. Ennis  
John B. Ennis (#2135)  
1200 Reservoir Avenue  
Cranston, RI  
(401) 943-9230

Dated: April 29, 2014

ORDER:

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CITIMORTGAGE, INC.

By its attorneys,

/s/ Joseph A. Farside, Jr.  
Joseph A. Farside, Jr. (#7559)  
EDWARDS WILDMAN PALMER LLP  
2800 Financial Plaza  
Providence, RI 02903  
(401) 274-9200  
(401) 276-6611 (Fax)  
jfarside@edwardswildman.com

ENTER:

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 29th day of April, 2014, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ John B. Ennis \_\_\_\_\_